

LAWS OF NEW JERSEY.

CHAPTER CCCLXX.

An act to further define the duties of the fish commissioners of New Jersey.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That wherever there exists in the Raritan river or its tributaries any dam which prevents the free passage of fish in said river or tributaries, it shall be the duty of the duly authorized fish commissioners of the state of New Jersey to examine the same, and if, in their judgment, good and efficient fishways can be constructed thereon, or if there now be any inefficient fishways constructed in any dam spanning said river or its tributaries, and if, in the judgment of said commissioners or a majority thereof, the same be made to accomplish the free passage of fish, then the said commissioners shall have power to cause efficient fishways to be so constructed, and may cause any fishways now existing in any dam spanning said river or its tributaries, which may by said commissioners be deemed inefficient to be repaired, remodeled, rebuilt, or reconstructed, under the supervision of said commissioners, in such manner as shall accomplish the purpose designed by this act.

2. And be it enacted, That whenever said commissioners deem it necessary to construct, rebuild, remodel or repair any fishway in any dam spanning said river or its tributaries, so as to accomplish the purposes specified in this act, it shall be the duty of said commissioners to give notice in writing to the person or persons, company or corporations owning leasing or holding said dam, that a fishway must be constructed, rebuilt, remodeled or said dam (as the case may be), within notice must be given between the first day of April, and the first day of June, in any year.

3. And be it enacted, That whenever said person or persons, companies or corporation shall receive such notice as described in the second section of this act, they shall construct, rebuild, remodel or repair said fishway at their own proper expense, and neglecting or refusing to commence the same within sixty days after receiving said notice, or who may unnecessarily delay the completion of said work, then the said commissioners shall have full power to cause said work to be done at the expense of the person or persons, companies or corporation owning or holding said dam or dams; the said commissioners shall have power and shall collect the said expenses, with cost, in an action of debt, in any court in the state of New Jersey having jurisdiction of the same.

4. And be it enacted, That this act shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCCLXXI.

A further supplement to an act for the relief of creditors against absconding and absent debtors.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That in case of the death of any defendant in attachment, after the return day of the writ of attachment, as provided for in the forty-eighth section of the act to which this is a supplement, it shall be lawful for the executor or administrator of the estate of such defendant to enter an appearance to the suit of the plaintiff or plaintiffs therein, or of any creditor or creditors under the said attachment, in the manner and to the same effect as is provided for in cases of living defendants in the supplement to said act, approved March first, one thousand eight hundred and seventy-one; and thereupon such further proceedings may be had as are provided for in cases supplement in cases of living defendants.

2. And be it enacted, That this act shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCCLXXII.

A further supplement to an act entitled "An act concerning roads," revision approved April sixteenth, eighteen hundred and sixty-six.

Whereas, changes in public roads are frequently desirable and necessary, to accommodate public and private interests, by vacating short pieces of such roads and relaying them in other places; and whereas, for small changes, proceedings under the present act to which this is a supplement, are both expensive and troublesome, and are attended with much delay, so much so that few persons are willing for the public good to incur the expenses attendant on such change; for remedy whereof,

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That whenever ten or more persons, being freeholders, shall think any alteration of any public road necessary in any part of the country wherein they reside, by having a portion of such road vacated, not exceeding in length six hundred yards, and said road changed by relaying it in another place (the road so vacated not to exceed six hundred yards in length) they may make application to three of the surveyors of the highways of said county, one of whom shall be a surveyor of the highway of the township wherein the portion of the road proposed to be changed shall be situated (unless the road to be vacated, or relaid, shall run through his land, in which case a surveyor of any adjoining township may be selected in his stead), the other two surveyors to be taken from the surveyors of the highways, of two of the adjoining townships by public notice in writing signed by said freeholders and put up in three public places in the township where the said road so proposed to be changed or altered is situated; which notice shall contain a description of the portion of road proposed to be vacated, and a general description of the road proposed to be laid out in lieu of the one vacated, and shall name a day and hour not less than ten days from the putting up of said notice, and when they will apply to one of the judges of the court of common pleas of said county at his chambers (giving also the name and residences of said judges) for the selection and appointment of said three surveyors of the highways as aforesaid, when judge upon due proof being made to him of the putting up of said notices as required by this act, without any further application than a copy of the notices so as aforesaid put up, is hereby authorized to make such selection and appointment from the acting surveyors of the highways, as aforesaid, by an order under his hand, which order shall name the said surveyors and the township wherein they severally reside, and shall fix the time and place of meeting of said surveyors, and so doing he shall receive the sum of one dollar.

2. And be it further enacted, That said applicants shall cause the said order, so as aforesaid, to be copied, and a copy thereof served on each of the surveyors therein mentioned, at least six days before the day therein appointed for their meeting.

3. And be it further enacted, That like notices required to be put up by the second section of the act to which this is a supplement, shall be given of the time and place of meeting of said surveyors.

4. And be it further enacted, That said three surveyors, so selected, when met as aforesaid, or a majority of them on due proof being made to them of the putting up of the notices of their said meeting, as required by this supplement, on which said surveyors shall decide, and their decision shall be final and conclusive, and they shall thereupon proceed, as surveyors are now required to proceed, by the fifth section of the act to which this is a supplement, and the first and second sections of a supplement thereto, approved March first, eighteen hundred and fifty, and the certificate and return of said surveyors shall be final and conclusive as to the alteration of any road made in pursuance to the act of Atlantic City, a weekly newspaper, printed and published in Atlantic City, for which publication the proprietor thereof shall be entitled to receive the same compensation as is allowed to publishers of other newspapers published in this state for said work.

5. And be it further enacted, That this act shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCCLXXIII.

An act to authorize Railroad Companies, to charge and collect an excess of ten cents, where fare is paid in the cars.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That it shall be lawful for any railroad company owning or operating a railroad in this state, to demand and collect an excess charge of ten cents, over the regular or established rate of fare, from any passenger who pays fare in the car in which he or she may have taken passage; provided, however, that it shall be the duty of such company to give to any passenger paying such excess a receipt or other evidence of such payment, and which shall entitle the holder thereof to have such excess charge refunded, upon delivery of the same at any ticket office of the said company, upon the line of their railroad.

2. And be it enacted, That this act shall take effect immediately, and shall be deemed and taken to be a public law.

Approved March 27, 1874.

CHAPTER CCCLXXIV.

An act appropriating two thousand dollars to enable the Commissioners of Fisheries to stock the streams, etc., of the state with food fishes, etc.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That the sum of two thousand dollars, be and the same is hereby appropriated, under the direction of the commissioners of fisheries of the state of New Jersey, to be used in stocking the lakes, ponds, and streams of our state, with food fishes, during the year one thousand eight hundred and seventy-four.

2. And be it enacted, That this act shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCCLXXV.

A supplement to an act entitled "An act to regulate Fees."

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That from and after the passage of this act, supreme court commissioners shall be entitled to receive for their services the following fees and no more:

For making every order for bail, the sum of one dollar;
For taking every recognizance of bail, the sum of one dollar;
For approving every replevin bond, the sum of one dollar;
For ordering the entry of every judgment on bond and warrant of attorney, the sum of one dollar;
For taking testimony, the same fees as are now allowed to masters in chancery for like services.

Approved March 27, 1874.

CHAPTER CCCLXXVI.

An act for the relief of Joseph I. Thompson.

Whereas, the said Thompson, in execution of his duty as sheriff of the county of Monmouth, did, in the year one thousand eight hundred and sixty-two, seize certain vessels for violating the laws of New Jersey, made for the protection of clams against non-residents, and three suits were brought against him in the state of New York; and whereas, this state by joint resolution, approved March eighteenth, one thousand eight hundred and sixty-three, did direct that he should be defended therein at the expense of the state; provided, however, that the state should not pay the costs and damages which might be recovered, unless the county employed by the governor to defend him, should certify that the said Thompson in the doing of the acts complained of in said actions, respectively acted within the power and authority conferred upon him by the laws of this state, and did not exceed the said laws; and whereas, said county, to wit; Benjamin Williamson, Joseph D. Bedle and Robert Allan, Jr., have given such certificate, and judgment has been rendered against said Thompson in the Supreme Court of the United States, in the most important of said suits; now therefore,

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That the treasurer of this state shall out of any moneys in the treasury not otherwise appropriated, appropriate and pay to the said Thompson, or the plaintiffs in said suits, the amount or amounts recovered against said Thompson in all said actions; provided, the gross amount thereof does not exceed the sum of fifteen thousand dollars.

2. And be it enacted, That this act shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCL.

An additional supplement to "An act to provide for the publication of the Public Laws of this state," approved February sixteenth, eighteen hundred and sixty-four.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That all laws directed to be published by the act to which this is a supplement, and the supplements thereto, in any of the newspapers published in the county of Atlantic City, shall be published in the Atlantic County Review, a weekly newspaper, printed and published in Atlantic City, for which publication the proprietor thereof shall be entitled to receive the same compensation as is allowed to publishers of other newspapers published in this state for said work.

2. And be it enacted, That this act shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCLII.

A further supplement to the act entitled "An act to provide for the publication of the public laws of this state," approved February sixteenth, eighteen hundred and sixty-four.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That all laws directed to be published by the act to which this is a supplement, and the supplements thereto, in any of the newspapers published in the county of Mercer, shall be published in the Public Opinion, a daily newspaper published in the city of Trenton, for which publication the proprietors thereof shall be entitled to receive the same compensation as is allowed to publishers of other newspapers published in this state for said work.

2. And be it enacted, That this act shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCLIII.

A further supplement to an act entitled "An act respecting the Court of Chancery," approved April sixteenth, one thousand eight hundred and sixty-six.

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That the word "official" contained in the first section of the act supplementary to the act to which this is a supplement, approved March twelfth, one thousand eight hundred and seventy-three, be and the same is hereby stricken out.

2. And be it enacted, That this act shall take effect immediately.

Approved March 27, 1874.

CHAPTER CCLIV.

An act to provide for the education of the deaf and dumb, the blind, and the feeble-minded, in this state.

Whereas, the commissioners heretofore appointed by the governor have reported that there exists at present in this state no schools adequate for imparting education to pupils who are either deaf and dumb, blind or feeble-minded, and that there are at the present time at least one hundred and fifty deaf and dumb, one hundred blind, and one hundred feeble-minded pupils who would gladly avail themselves of such facilities as the state might provide; and whereas, it is the duty of the state to educate these, her unfortunate children;

1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That Charles D. Desher, Jeremiah Baker, William S. Yard, Charles D. Hendrickson, Ralph B. Gundy and Eldridge Mix, be and they hereby appointed commissioners to advertise for and receive proposals for states, suitable buildings in which to erect suitable buildings in which to board and educate pupils who are deaf and dumb, and that there be a site upon which to erect suitable buildings in which to board and educate pupils who are feeble-minded, which site shall contain not less than fifty acres; for a site upon which to erect suitable buildings in which to board and educate pupils who are feeble-minded, which site shall contain not less than fifty acres; that all these sites shall be remote from malarial influences, capable of complete drainage and of securing thereon an abundant supply of sweet soft water; which proposals shall name the lowest price at which the land will be sold to the state, giving to the state an option to purchase the same, at the price named, at any time before the first day of April, eighteen hundred and seventy-five.

2. And be it enacted, That said commissioners may procure from competent experts plans for the several buildings which may be boarded and educated one hundred and fifty deaf and dumb pupils, one hundred blind, and one hundred feeble-minded, with all convenient and proper appliances for their comfort, instruction and preservation of health; and for the accommodation of the officers, teachers and assistants, which buildings shall be, when constructed, of durable material, and shall be limited in cost as follows: That for the deaf and dumb not to exceed one hundred and fifty thousand dollars; and for the blind, not to exceed one hundred thousand dollars, and that for the feeble-minded not to exceed eighty thousand dollars.

3. And be it enacted, That the said commissioners shall report, with their opinions thereon, the proposals and plans they may receive under this act to the governor, and be by him laid before the next legislature.

4. And be it enacted, That to defray the entire expenses under the said commissioners may incur under this act, the sum of two thousand dollars is hereby appropriated, to be drawn from the treasury only upon proper detailed vouchers, signed by the commissioners and audited and certified by the comptroller.

Approved March 27, 1874.

Advertisements.

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Miscellaneous Advertisements.

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